

**ADMINISTERING SUBSTANCES TO
WILDLIFE**

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill enacts a provision relating to wildlife.

Highlighted Provisions:

This bill:

- defines terms; and
- prohibits a person from administering a substance to wildlife, except in certain circumstances.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

23-13-19, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **23-13-19** is enacted to read:

23-13-19. Administering substances to protected wildlife prohibited -- Exceptions.

(1) For purposes of this section:

(a) "Agricultural producer" means a person who produces an agricultural product.

(b) "Agricultural product" is as defined in Section 4-1-8.

(c) "Administer" means the application of a substance by any method, including:

(i) injection;

(ii) inhalation;

(iii) ingestion; or

(iv) absorption.

(d) "Substance" means a chemical or organic substance that:

(i) pacifies;

(ii) sedates;

(iii) immobilizes;

(iv) harms;

(v) kills;

(vi) controls fertility; or

(vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).

(2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a person may not administer or attempt to administer a substance to protected wildlife.

(3) (a) A division employee or a person with written permission from the division may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.

(b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:

(i) a licensed veterinarian;

(ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or

(iii) a person who is following written instructions for veterinary care from a licensed veterinarian.

(4) An agricultural producer is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if the agricultural producer administers the substance:

(a) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);

(b) consistent with generally accepted agricultural practices; and

(c) in compliance with applicable local, state, and federal law.